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6 Attorneys for Defendant
Evergreen Pulp, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, the
12 PEOPLE OF THE STATE OF CALIFORNIA,
13 *ex rel.* CALIFORNIA AIR RESOURCES
BOARD, and NORTH COAST UNIFIED AIR
QUALITY MANAGEMENT DISTRICT,

14 || Plaintiffs,

15 ||

16 EVERGREEN PULP, INC.,

17 || Defendant.

| Case No. C 07 5067 SBA

**STIPULATION AND [PROPOSED] ORDER
EXTENDING CERTAIN PRETRIAL DATES**

Defendant Evergreen Pulp, Inc. ("Evergreen"), and Plaintiffs United States of America, the People of the State of California *ex rel.* California Air Resources Board, and the North Coast Unified Air Quality Management District (collectively "Plaintiffs"), hereby agree and stipulate as follows:

23 1. On October 2, 2007, Plaintiffs filed a Complaint against Evergreen pursuant to
24 Section 113 of the Clean Air Act, 42 U.S.C. § 7413, California Health & Safety Code § 42403,
25 and North Coast Unified Air Quality Management District Rule 105. On the same date, Plaintiffs
26 lodged a Consent Decree that, if approved and entered as the judgment of the Court in this case,
27 would resolve the claims alleged in the Complaint.

1 2. Evergreen's response to the Complaint is currently due to be filed on or before
 2 October 25, 2007.

3 3. The Consent Decree cannot be entered as the judgment of the Court until the close
 4 of a 30 day public comment period and the preparation thereafter by Plaintiffs of responses to
 5 comments, if any. The public comment period began on October 12, 2007, with publication of
 6 notice in the *Federal Register*.

7 4. On October 2, 2007, the Court issued an Order Setting Initial Case Management
 8 Conference and ADR Deadlines, establishing the following deadlines:

- 9 • December 20, 2007: Last day to meet and confer regarding initial disclosures,
 10 early settlement, ADR process selection, discovery plan, file a Joint ADR
 11 Certification with Stipulation to ADR Process or Notice of Need for ADR Phone
 12 Conference.
- 13 • January 3, 2008: Last day to file Rule 26(f) Report, complete initial disclosures or
 14 state objections in Rule 26(f) Report, and file Case Management Statement per
 15 attached Standing Order regarding Contents of Joint Case Management Statement.
- 16 • January 10, 2008: Initial Case Management Conference.

17 The Order Setting Initial Case Management Conference and ADR Deadlines provides that "[i]f the
 18 Initial Case Management Conference is continued, the other deadlines are continued accordingly."

19 5. In light of the lodging of the proposed Consent Decree, which, if entered, will
 20 resolve this action completely, and in order to avoid incurring unnecessary expense in an action
 21 that the Parties have agreed to resolve without further litigation, the Parties stipulate to, and
 22 request that the Court adopt, the following revision to the Order Setting Initial Case Management
 23 Conference and ADR Deadlines:

24 a. *Last day to meet and confer regarding initial disclosures, early settlement, ADR*
 25 *process selection, discovery plan, file a Joint ADR Certification with Stipulation to ADR*
 26 *Process or Notice of Need for ADR Phone Conference:* Eighty days after (a) filing of a
 27 notification to the Court that the Consent Decree as lodged should not be entered, or (b)

28

1 notification by the Court to the Parties that it will not enter the Consent Decree, whichever
 2 occurs first.

3 b. *Last day to file Rule 26(f) Report, complete initial disclosures or state objections in*
 4 *Rule 26(f) Report, and file Case Management Statement per attached Standing Order*
 5 *regarding Contents of Joint Case Management Statement:* Ninety days after (a) filing of a
 6 notification to the Court that the Consent Decree as lodged should not be entered, or (b)
 7 notification by the Court to the Parties that it will not enter the Consent Decree, whichever
 8 occurs first.

9 c. *Initial Case Management Conference:* To be set by the Court, following (a) filing
 10 of a notification to the Court that the Consent Decree as lodged should not be entered, or
 11 (b) notification by the Court to the Parties that it will not enter the Consent Decree,
 12 whichever occurs first, for a date at least one week after the filing of the Case Management
 13 Statement.

14 6. Evergreen's response to the Complaint shall be filed no later than thirty (30) days
 15 after (a) filing of a notification to the Court that the Consent Decree as lodged should not be
 16 entered, or (b) notification by the Court to the Parties that it will not enter the Consent Decree,
 17 whichever occurs first.

18 7. Should the Consent Decree be approved by and entered as the judgment of the
 19 Court, the foregoing deadlines shall be vacated.

20 8. There have been no previous modifications to or extensions of dates set forth in any
 21 order of this Court.

22 SO STIPULATED.

23 Dated: October 17, 2007

ALLEN MATKINS LECK GAMBLE
 MALLORY & NATSIS LLP
 DAVID D. COOKE

26 By: /s/ David D. Cooke

DAVID D. COOKE
 Attorneys for Defendant
 Evergreen Pulp, Inc.

1 Dated: October 17, 2007

RONALD J. TENPAS
Acting Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

4 By: /s/ Ann C. Hurley

5 ANN C. HURLEY
6 Attorneys for Plaintiff
7 United States of America

8 Dated: October 17, 2007

9 OFFICE OF THE CALIFORNIA ATTORNEY
10 GENERAL
11 EDWIN G. BROWN, JR.
12 Attorney General of the State of California

13 MARY HACKENBRACHT
14 Assistant Attorney General

15 By: /s/ Anita E. Ruud

16 ANITA E. RUUD
17 Attorneys for Plaintiff
18 California Air Resources Board

19 Dated: October 17, 2007

20 LAW OFFICES OF NANCY DIAMOND
21 NANCY DIAMOND

22 By: /s/ Nancy Diamond

23 NANCY DIAMOND
24 Attorneys for Plaintiff
25 North Coast Unified Air Quality
Management District

26 Attestation Regarding Signature: This document is being filed electronically under my
27 User ID and Password. Pursuant to General Order 45, Section X.B, I hereby attest that
28 concurrence in this filing of this document has been obtained from each of the other signatories to
this document.

I declare under penalty of perjury under the laws of the United States that the foregoing is
true and correct. Executed October 17, 2007 in San Francisco, California.

27 /s/ David D. Cooke
28 David D. Cooke

1 **[PROPOSED] ORDER**

2 Pursuant to stipulation, and for good cause shown, the Order Setting Initial Case
 3 Management Conference and ADR Deadlines, is hereby amended to provide as follows:

4 1. Last day to meet and confer regarding initial disclosures, early settlement, ADR
 5 process selection, discovery plan, file a Joint ADR Certification with Stipulation to ADR Process
 6 or Notice of Need for ADR Phone Conference: Eighty (80) days after (a) filing of a notification
 7 to the Court that the Consent Decree as lodged should not be entered, or (b) notification by the
 8 Court to the Parties that it will not enter the Consent Decree, whichever occurs first.

9 2. Last day to file Rule 26(f) Report, complete initial disclosures or state objections in
 10 Rule 26(f) Report, and file Case Management Statement per attached Standing Order regarding
 11 Contents of Joint Case Management Statement: Ninety (90) days after (a) filing of a notification
 12 to the Court that the Consent Decree as lodged should not be entered, or (b) notification by the
 13 Court to the Parties that it will not enter the Consent Decree, whichever occurs first.

14 3. Initial Case Management Conference: To be set by the Court, following the (a)
 15 filing of a notification to the Court that the Consent Decree as lodged should not be entered, or (b)
 16 notification by the Court to the Parties that it will not enter the Consent Decree, whichever occurs
 17 first, for a date at least one week after the filing of the Case Management Statement.

18 4. Evergreen's response to the Complaint shall be filed no later than thirty (30) days
 19 after (a) filing of a notification to the Court that the Consent Decree as lodged should not be
 20 entered, or (b) notification by the Court to the Parties that it will not enter the Consent Decree,
 21 whichever occurs first.

22 5. Should the Consent Decree be approved by and entered as the judgment of the
 23 Court, the foregoing deadlines shall be vacated.

24 SO ORDERED.

25 Dated: _____, 2007

Honorable Saundra B. Armstrong
 United States District Judge

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